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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,376

02/26/2004

Daniel John Devine

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12/04/2006

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EXAMINER

VIDWAN, JASJIT S

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/787,376	Applicant(s) DEVINE, DANIEL JOHN	
	Examiner Jasjit S. Vidwan	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmonsens et al U.S. Publication no: 2004/0054689 [herein after **Salmonsens**].

3. **As per claim 1, 8 and 14**, Salmonsens teaches a controller [Fig. 2, element 200 – Pg. 3, Paragraph 0033] for high speed communications [Page 2, Paragraph 0029, “High speed serial bus”] between a host computer [Fig. 3, element 342, “Computer”] and at least one peripheral device [Fig. 2, Element 202, “Device”], comprising:

A processor for controlling communications on a bus using one or more communication functions [Fig. 2, Element 214], wherein said processor performs at least one function for said peripheral device in addition to said one or more communication functions [Page 3, Paragraph 0033 – Also see paragraph 0064, *‘In various embodiments, applications and examples, the device 300 performs various functions of information storage, processing, monitoring, and display. The functions are executed by control and management elements such as the sink processor 332, the processor 314, the host computer 350, other computational and control devices in the remote network site 352, or in other computational, management, and control elements inside and outside the device.’*]

4. **As per claims 2 and 15**, Salmonsens teaches a controller wherein said processor is integrated with said controller [see Fig. 2, element 200, 214].

5. **As per claims 3, 9 and 16**, Salmonsens teaches a controller wherein said processor provides processing capacity for use by said peripheral device in addition to processing of said one or more communication functions **[Page 3, Paragraph 0033]**.
6. **As per claims 4, 10 and 17**, Salmonsens teaches a controller wherein said at least one peripheral device employs said processor to perform each of said functions of said at least one peripheral device **[Page 3, Paragraph 0033]**.
7. **As per claims 5, 11 and 18**, Salmonsens teaches a controller wherein said high-speed communications conform to a USB standard **[Page 3, Paragraph 0035]**.
8. **As per claims 6, 12 and 19**, Salmonsens teaches a controller wherein said high-speed communications conform to an IEEE 1394 standard **[Page 2, Paragraph 0029, "IEEE-1394 high speed serial bus"]**.
9. **As per claims 7, 13 and 20**, Salmonsens teaches a controller wherein said high-speed communications conform to an IEEE 802.11 standard **[Page 15, Paragraph 0165, "Low cost wireless 802.11 (WIFI)"]**.

Response to Arguments

10. Applicant's arguments filed 8/23/2006 have been fully considered but they are not persuasive. Applicant argues that prior art of record fails to teach a controller processor that "performs at least one function for said peripheral device in addition to said one or more communication functions."
11. As per above argument, **Examiner disagrees**. Salmonsens teaches a processor that not only controls the communication bus with the peripheral device (300), but also performs at least one function for said peripheral device in addition to said one or more communication functions **[see Paragraph 0064, 'In various embodiments, applications and examples, the device 300 performs various functions of information storage, processing, monitoring, and display. The functions are executed by control and management elements such as the sink processor 332, the processor 314, the host computer 350, other computational and control devices in the remote network site 352, or in other computational, management, and control elements inside and outside the device.']. Salmonsens describes the functions**

of the device and further states that some of the said functions are executed by one of either sink processor 332, the processor 314, or the host computer 350 wherein all three of said processors are separate from peripheral device's processor. Therefore in light of above arguments, it is the position of the Examiner that Salmonsens reads on claimed limitations.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSV
11/27/06



KIM HUYNH
SUPERVISORY PATENT EXAMINER

11/27/06